

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
	:	No.4:CR-00-72
v.	:	
	:	
DAVID M. GRIGGS,	:	(Judge McClure)
	:	
Defendant	:	

O R D E R

March 19, 2008

**BACKGROUND:**

On March 10, 2008, David Griggs filed a letter with this Honorable Court inquiring as to his eligibility for a reduction of his sentence based on the amendment to the guidelines relating to crack cocaine.

On February 29, 2008, Chief Judge Kane issued a Standing Order with respect to appointment of counsel in proceedings related to the retroactive crack cocaine amendments.

On March 11, 2008, Chief Judge Kane's Standing Order was filed in this case.

David Griggs was sentenced on July 3, 2002, to 240 months, the mandatory minimum term of imprisonment pursuant to 21 U.S.C. § 841(b)(1)(A).

In the Standing Order of February 29, 2008, the court states that counsel will be appointed where it appears that a defendant may be eligible for a sentence reduction.

Based on the above, the Federal Public Defender's Office has filed a motion to withdraw as counsel in the proceedings related to the crack cocaine amendment pursuant to 18 U.S.C. § 3582(c)(2).

A review of the record confirms the position of the Federal Public Defender that David M. Griggs is not entitled to a sentence reduction on the basis of the retroactive crack cocaine guideline amendments. Griggs was sentenced to 240 months' imprisonment, the mandatory minimum term of imprisonment pursuant to 18 U.S.C. § 841(b)(1)(A).

It is clear that his sentence was not determined by U.S.S.G. § 2D1.1 and, therefore, he is not entitled to a sentence reduction.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The motion of the Federal Public Defender's Office to withdraw as counsel in proceedings related to crack cocaine amendment (Rec. Doc. No. 277, filed March 19, 2008) is granted.
2. Griggs' request for a two (2) level reduction in his sentence as a result

of the recent amendment to the sentencing guidelines applicable to crack cocaine as set forth in his letter filed March 10, 2008 (Rec. Doc. No. 275) is denied.

s/James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge